



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNR

Introduction

This matter dealt with an application by the tenants to cancel a Notice to End Tenancy for Unpaid Rent.

Both parties appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in written form, documentary form, to cross-examine the other party, and make submissions to me. On the basis of the solemnly affirmed evidence presented at the hearing I have determined:

Issue(s) to be Decided

- Are the tenants entitled to cancel the Notice to End Tenancy?

Background and Evidence

Both parties agree that this tenancy started on December 15, 2008. The monthly rent for this unit is \$1,650.00 and is due on the 1st of each month.

The tenant testifies she has moved from the rental unit on February 15, 2011 and wishes to return to remove the last of her belongings and clean the unit. The tenant does not dispute that she owes rent to the landlord for February, 2011.

The landlord testifies that they served the tenant with a 10 Day Notice to End Tenancy for unpaid rent because the tenant failed to pay her rent for February, 2011. The landlords' agent states he would like an Order of possession to take effect as soon as possible so they can get vacant possession of the property in order to advertise it for rental.

Analysis

The tenant applied to cancel the Notice to End Tenancy but states she has moved from the rental unit on February 15, 2011. Therefore, I find the tenants application has no effect and the landlords are entitled to an Order of Possession as the tenant still has some belongings in the rental unit.

Conclusion

The tenants' application is dismissed without leave to reapply.

I HEREBY ISSUE an Order of Possession in favour of the landlord effective **two days after service** on the tenant. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 08, 2011.

Residential Tenancy Branch